

D
voices and/or images.

55. The system of Claim 54, wherein a user can edit and/or annotate the certain portions of the visual information and captured voices and/or images.

REMARKS

Claims 2-20 have been canceled in favor of added Claims 21-55. Applicants wish to point out that the purpose of canceling Claims 2-20 and subsequently replacing them with Claims 21-55, was to more distinctly claim the invention as provided in the written description and to improve the style of the claims.

In view of the above amendments and the arguments presented below, Applicants respectfully request reconsideration and further examination of this application.

Claim Rejections

Rejections Under 35 U.S.C. § 103(a)

On pages 2-4 of the Office Action, the Examiner rejects Claims 2-4, 7-11, 13-15, 18-20 under § 103(a) as being unpatentable over the Etherphone system as disclosed by Rangan and further in view of Maeno. In particular, the Examiner states:

As per claims 2-3, Rangan teaches a teleconferencing system essentially as claimed, comprising:

- a) an av path Ip. 1396 fig.1];
- b) an AV conference manager for managing video conferencing [p.1397];
- c) a least one of the group consisting of:
 - i) multimedia mail system [p.1402 col.1 last paragraph];
 - ii) a multimedia conference recorder Ip.1401 "Video File Server";
- d) means for synchronize and recording video image and spoken audio and data during conference [apparent from p.1402 col.1].

Rangan does not specifically disclose a data conference manager for managing data conference. Maeno disclose a teleconferencing integrating data and video conferencing. It would have been obvious for one of ordinary skill in the art to provide a data conference manager with Rangan's system because it would enable participants to view and process multimedia documents simultaneously with voice + video conferencing [Maeno p.0522 col.1 first paragraph].

As per claim 4, Rangan teaches message marker [p.1042 1st paragraph - "annotations"].

As per claim 7, Rangan teaches conference capture tools and annotation tools [p.1396 col.1 lines 39-45 "Tiogavision"].

As per claim 8, Rangan teaches synchronizing and recording and multimedia document storage such that the multimedia document can be retrieve by a participant [p.1402 col.1].

As per claim 9, it is apparent that information can be transferred between the mail system, synchronizing and recording and the document storage.

As per claim 10, Rangan teaches relative timing [p.1402 col.1 2nd paragraph "bar of length proportion to the duration of the video" "cursor tracking current position on the bar"].

As per claim 11, Rangan teaches selectively halt and continue the message [apparent form p.1402 col.1 2nd paragraph "any part can be selected and played back"].

As per claims 13-15, and 18-20, they are rejected under similar rationale as for claims 1-4, and 7-11 above.

Before responding to the Examiner's rejection of the claims, Applicants point out that Claims 2-20 have been canceled. Applicants believe that the § 103 rejections could not have been sustained as applied to canceled Claims 2-20. Accordingly, because newly added independent Claims 21, 30, 39 and 47 contain the same attributes as canceled Claims 2-20, Applicants also believe that the § 103 rejections could not be maintained against newly added Claims 21, 30, 39 and 47. Reasons to support this contention are set forth in detail below.

The M.P.E.P states that "[t]o establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art."¹ Because neither Rangan nor Rangan in view of Maeno teach or suggest all the claim limitations of any independent Claims 21, 30, 39 or 47, the § 103 rejections cannot be maintained against any of these claims. All these claims include an element or step relating to the storage of "data, audio and/or video signals." The audio and/or video signals represent the "voices" and "images" of one or more users while the data signals represent "visual information other than the captured images."

Rangan does not teach or suggest storing "data signals" representing "visual information." Consequently, it cannot itself provide the basis for a § 103 rejection of any of the independent Claims 21, 30, 39 or 47. Rangan teaches only an audio and video storage system. It is definitely not obvious to store "data signals...representing visual information...other than the captured image..." on an audio and video signals storage device. The signal formats and storage requirements are fundamentally different. For example, in

¹ M.P.E.P. § 2143.03 (Rev. 2, July 1996) (citing, *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (CCPA 1974)).

the same way it would not be obvious to use an audio storage device to store video signals as well, it would not be obvious to store data signals on a audio/video storage system as disclosed in Rangan. Introducing Maeno does nothing further to support the § 103 rejection in this regard. Maeno does not teach or suggest any type of storing whatsoever. Consequently, because the cited references do not teach all the claim limitations of any of the independent Claims 21, 30, 39 or 47, the § 103 rejection cannot be maintained against such claims (see fn 1). Accordingly, Applicants respectfully request that the Examiner withdraw the § 103 rejection.

There are additional reasons why Rangan in view of Maeno cannot be used to support a § 103 rejection of independent Claims 21, 30, 39 and 47.

First, independent Claims 30 and 47 are directed at a method and system for creating a multimedia message in which a user's voice and image are captured and, at the same time, data signals are generated, the data signals representing "visual information other than the captured image." Rangan does not teach or suggest this. At p. 1402, first column of Rangan, the "Tiogavision" editor of the Rangan system is disclosed. There it is described how a user can retrieve a previously stored multimedia document and further edit it using Tiogavision by, for example, adding annotations at certain locations in the multimedia document. Use of Tiogavision is, therefore, distinguishable from the recitations of Claims 30 and 47. While Claims 30 and 47 claim a system wherein a multimedia message can be created and stored, including and during the captured of a user's voice and/or image, Tiogavision cannot. Tiogavision is limited to editing a preexisting multimedia document.

Second, independent Claim 39 is directed at a "method of storing a collaborative multimedia event" and includes the step of "sharing, interactively, the visual information among the plurality of participants." There is nothing in Rangan itself or if combined with Maeno that would teach or suggest such a step.

The above remarks demonstrate that neither Rangan alone or Rangan on view of Maeno

expressly or impliedly teach or suggest all the claim limitations of any of independent Claims 21, 30, 39 or 47. In other words, Applicants respectfully believe that the § 103(a) rejections based on Rangan in view of Maeno, would not be viable with respect to newly added independent Claims 21, 30, 39 and 47. Consequently, Applicants request that the Examiner withdraw the § 103(a) rejection.

Remarks Relating to Newly Added Dependant Claims

The M.P.E.P. provides that "[i]f an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious."² Accordingly, because Applicants believe that newly added independent Claims 21, 30, 39 and 47 are nonobvious, it is believed that so too are dependent Claims 22-29 (dependent on Claim 21), dependent Claims 31-38 (dependent on Claim 30), dependent Claims 40-46 (dependent on Claim 39) and dependent claims 48-55 (dependent on Claim 47). Consequently, Applicants respectfully believe that none of the other rejections presented by the Examiner can be maintained and, therefore, request that all such rejections be withdrawn.

² M.P.E.P. § 2143.03 (Rev. 2, July 1996) (citing, *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988)).

CONCLUSION

For the reasons provided above, Applicants respectfully submit that newly added Claims 21-55 are in a condition for allowance and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, he is encouraged to call the undersigned to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,



CRAIG P. OPPERMAN
Reg. No. 37,078

COOLEY GODWARD LLP
Five Palo Alto Square
3000 El Camino Real
Palo Alto, CA 94306-2155
Telephone: (650) 843-5000
Facsimile: (650) 857-0663